

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) Case No. 8:07CR125
)
Plaintiff,)
)
vs.)
)
JOHNNY ODELL REED,)
)
Defendant.)

ORDER

This case came before the Court on a Petition for Action on Conditions of Pretrial Release (#37). On June 25, 2007 Pretrial Services Officer Lisa Caviness submitted a Petition for Action on Conditions of Pretrial Release alleging that Defendant had violated conditions of release as follows:

7. The defendant shall:

(k) Reside at Catholic Charities Omaha Campus for Hope, 1490 North 16th Street, Omaha, Nebraska 68102 facility at all times and comply with all the rules of such facility. In the event that the defendant is discharged from the facility for any reason whatsoever, or leaves the premises of the facility without authorization, the United States Marshal, and/or any law enforcement officer is ordered to take the defendant into custody and detain the defendant pending a prompt hearing before the court to review the conditions of release.

On 6/23/07, the defendant was discharged unsuccessfully from Campus for Hope's inpatient substance abuse treatment program.

A warrant for Defendant's arrest was issued.

Defendant appeared before the undersigned magistrate on June 28, 2007. Michael D. Nelson represented Defendant. Robert F. Cryne, Assistant United States Attorney represented the Government. After being advised of the nature of the allegations, rights, and the consequences if the allegations were found to be true, Defendant admitted the allegations. The Court took judicial notice of the Memorandum of Pretrial Services Officer Lisa Caviness dated June 25, 2007. The Court finds the allegations set out in the petition are generally true and finds the Defendant violated the conditions of release.

After providing both parties an opportunity for allocution as to disposition and considering the report of Pretrial Services, I find the Order Setting Conditions of Release (#28) should be revoked. I find Defendant is unlikely to abide by conditions of release. I find that there is no condition or combinations of conditions that would reasonably assure Defendant's presence for further proceedings, or the safety of the community if Defendant were to be released upon conditions.

IT IS ORDERED:

1. The Petition for Action on Conditions of Pretrial Release (#37) is granted;
2. The May 21, 2007 Order Setting Conditions of Release (#28) is hereby revoked; and
3. Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility separate, to the extent practicable, from persons awaiting or serving sentence or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of the Court of the United States or on the request of an attorney for the Government, the person in charge of the correctional facility shall deliver Defendant to the United States Marshal for purpose of an appearance in connection with a court proceeding.

Dated this 29th day of June 2007.

BY THE COURT:

s/ F. A. Gossett
United States Magistrate Judge